

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTERNATIONAL BUSINESS MACHINES)	
CORPORATION,)	
Plaintiff,)	
)	
v.)	C.A. No. 16-122-LPS-CJB
)	
GROUPON, INC.)	
)	
Defendant.)	

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, plaintiff IBM Business Machines Corporation (“IBM”) and defendant Groupon, Inc. (“Groupon”) have entered into a settlement agreement in this matter (the “Settlement Agreement”);

WHEREAS, among other things, under the terms of the Settlement Agreement, the parties have agreed to request that the Court vacate the August 8, 2018 judgment following jury verdict entered in this matter (D.I. 398), and Groupon has agreed to make a payment to IBM to resolve all claims asserted by IBM in this matter;

NOW THEREFORE, IT IS STIPULATED AND AGREED, subject to the approval and Order of the Court, as follows:

1. The August 8, 2018 judgment following jury verdict is hereby vacated:
2. Pursuant to Rule 41(a)(1)(A) (ii) of the Federal Rules of Civil procedure, all of IBM’s claims in the above-captioned action are hereby dismissed with prejudice.
3. Each side shall bear its own costs, expenses, and attorneys’ fees.

POTTER ANDERSON & CORROON, LLP

ASHBY & GEDDES

/s/ Bindu A. Palapura

/s/ John G. Day

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Attorneys for Defendant

Attorneys for Plaintiff

SO ORDERED this _____ day of _____, 2018.

Chief Judge